



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

08/966,839 11/10/97

STERNEBY

VER0024

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
		PM41/0115	

JOHN F HOFFMAN
BAKER & DANIELS
111 EAST WAYNE STREET
SUITE 800
FORT WAYNE IN 46802

HEISEY, D

EXAMINER
3632

ART UNIT	PAPER NUMBER
	01/15/99

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/966,839

Applicant(s)
Sven Stierneby

Examiner
David Heisey

Group Art Unit
3632



☒ Responsive to communication(s) filed on Nov 10, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3632

DETAILED ACTION

This is the first Office Action for serial number 08/966,839, A Support Device for a Cableway, filed on November 10, 1997. The Application contains 18 claims numbered 1-18.

Specification

The disclosure is objected to because of the following informalities: A title should appear on page 1 of the specification; "Fig. 2" should be deleted from the end of the abstract.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 2-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant's use of the word "preferably" in claim 2 renders claim 2 indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 3632

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent # 5,384,937 to Simon (hereinafter Simon) in view of U.S. Patent # 4,372,511 to Knowles (hereinafter Knowles). With respect to claim 1, Simon teaches a cableway 1 comprising a number of longitudinally extending thread elements 11, 21 and transversely extending thread elements 10, 20. Simon does not teach a support device. Knowles teaches a support device 102 which is connectable with a cableway 101. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have connected a support device to the cableway because one would have been motivated, in view of Knowles, to have provided sufficient support and guidance for optical cables branched off from the cableway.

With respect to claim 2, Simon teaches all elements except a curved plate. Knowles teaches a curved plate 102 which is connectable with a cableway 101. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have used a curved plate as the support device because one would have been motivated, in view of Knowles, to have avoided sharp bends in optical cables branched off from the cableway.

Art Unit: 3632

Allowable Subject Matter

Claims 3 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims and rewritten to conclude with the phrase “whereby said support element is adapted to cause a curve in the cable supported thereon”.

Claims 4-6 and 8-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

5,359,143 to Simon
5,435,507 to Murphy
5,448,015 to Jamet et al.
5,689,606 to Hassan
2,891,750 to Bergquist

Simon teaches a plastic cableway. Murphy teaches a cable support element for optical cables. Jamet et al. and Hassan teach optical cable guiding devices for supporting optical cables and fibers. Bergquist teaches a cable supporting system for supporting cables using suspended cable racks. The three prior art patents listed in applicant's Information Disclosure Statement have been considered by the examiner.


Art Unit: 3632

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David Heisey, whose telephone number is 703.306.3233. The Examiner can normally be reached on Tuesday through Friday from 8:30 A.M. to 5:00 P.M. The fax machine telephone number for the Technology Center is 703.305.3597 or 703.305.3598.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at 703.308.2168. The fax machine telephone number for Art Unit 3632 is 703.308.3519.

DH

David Heisey
Patent Examiner
Technology Center 3600
Art Unit 3632
1-10-99


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER